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09600HB5923ham001

LRB096 15275 RLJ 36759 a

1 AMENDMENT TO HOUSE BILL 5923

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5923 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 2-3-5 as follows:

6 (65 ILCS 5/2-3-5) (from Ch. 24, par. 2-3-5)

7 Sec. 2-3-5. Incorporation of village; petition.

8 Whenever in any county of less than 150,000 population as  
9 determined by the last preceding federal census, any area of  
10 contiguous territory, not exceeding 2 square miles, not already  
11 included within the corporate limits of any municipality, has  
12 residing thereon at least 200 inhabitants living in dwellings  
13 other than those designed to be mobile, and is owned by at  
14 least 30 different owners, it may be incorporated as a village  
15 as follows:

16 35 electors residing within the area may file with the

1 circuit clerk of the county in which such area is situated a  
2 petition addressed to the circuit court for that county.

3 The petition shall set forth (1) a definite description of  
4 the lands intended to be embraced in the proposed village, (2)  
5 the number of inhabitants residing therein, (3) the name of the  
6 proposed village, and (4) a prayer that a question be submitted  
7 to the electors residing within the limits of the proposed  
8 village whether they will incorporate as a village under this  
9 Code.

10 If the area contains fewer than 7,500 residents and lies  
11 within 1 1/2 miles of the boundary line of any existing  
12 municipality, the consent of the existing municipality must be  
13 obtained before the area may be incorporated. No area in a  
14 county with a population of 150,000 or more that is  
15 incorporating under the provisions of this Section shall need  
16 to obtain the consent of any existing municipality before the  
17 area may be incorporated.

18 In addition, any contiguous territory in a county of  
19 150,000 or more population which otherwise meets the  
20 requirements of this Section may be incorporated as a village  
21 pursuant to the provisions of this Section if (1) any part of  
22 such territory is situated within 10 miles of a county with a  
23 population less than 150,000 and a petition is filed pursuant  
24 to this Section before January 1, 1991 or (2) any part of the  
25 territory is situated within 25 miles of the Illinois state  
26 line in a county having a population, according to the 1990

1 federal decennial census, of at least 150,000 but less than  
2 185,000 and a petition is filed pursuant to this Section before  
3 January 1, 1998.

4 In addition, contiguous territory not exceeding 2 square  
5 miles in a county with a population of not less than 187,000  
6 and not more than 190,000 that otherwise meets the requirements  
7 of this Section may be incorporated as a village pursuant to  
8 the provisions of this Section if (1) any part of the territory  
9 is situated within 13 miles of a county with a population of  
10 less than 38,000 and more than 36,000 and (2) a petition is  
11 filed in the manner provided in this Section before January 1,  
12 2005. The requirements of Section 2-3-18 concerning  
13 compatibility with the official plan for development of the  
14 county shall not apply to any territory seeking incorporation  
15 under this paragraph.

16 In addition, contiguous territory not exceeding 0.7 square  
17 miles having not less than 1,400 and not more than 1,600  
18 inhabitants, as determined by the 2000 federal decennial  
19 census, living in dwellings other than those designed to be  
20 mobile, located in a county of not less than 600,000 and not  
21 more than 650,000 inhabitants, as determined by the 2000  
22 federal decennial census, that otherwise meets the  
23 requirements of this Section may be incorporated as a village  
24 pursuant to the provisions of this Section if the territory  
25 includes a contiguous body of water of not less than 30 acres  
26 and not more than 40 acres. The consent of a municipality need

1 not be obtained before the territory may be incorporated. The  
2 requirements of Section 2-3-18 concerning compatibility with  
3 the official plan for development of the county shall not apply  
4 to any territory seeking incorporation under this paragraph.

5 (Source: P.A. 93-1058, eff. 12-2-04.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".